

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Faria Tasnim	Team: Squad #5	CCRB Case #: 201900875	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/28/2019 8:15 PM	Location of Incident: § 87(2)(b)	Precinct: 62	18 Mo. SOL 7/28/2020	EO SOL 3/14/2021	
Date/Time CV Reported Tue, 01/29/2019 12:37 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/29/2019 12:37 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Maldonado	00950	928684	062 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Angeliesse Acevedo	27313	963834	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Maldonado	Abuse: Police Officer Christopher Maldonado refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
B.POM Christophe Maldonado	Abuse: Police Officer Christopher Maldonado threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.POM Christophe Maldonado	Discourtesy: Police Officer Christopher Maldonado gestured discourteously toward § 87(2)(b)	§ 87(2)(b)

Case Summary

On January 29, 2019, § 87(2)(b) filed this complaint with the CCRB by phone on behalf of himself and his wife, § 87(2)(b).

This case was originally assigned to Investigator Vasquez. It was reassigned to Investigator Devaney on February 7, and then reassigned to the undersigned on June 6.

On January 28, 2019, at approximately 8:15 p.m., in front of § 87(2)(b) in Brooklyn, Police Officer Christopher Maldonado of the 62nd Precinct issued a summons to § 87(2)(b) § 87(2)(b) for making an improper U-turn. PO Maldonado allegedly refused to provide his shield number to § 87(2)(b) (**Allegation A: Abuse of Authority, § 87(2)(g)**). PO Maldonado allegedly threatened to arrest § 87(2)(b) (**Allegation B: Abuse of Authority, § 87(2)(g)**). After PO Maldonado walked back to the police vehicle and began driving away from the location, he allegedly gestured discourteously towards § 87(2)(b) (**Allegation C: Abuse of Authority, § 87(2)(g)**).

The investigation obtained cellphone video footage of this incident from § 87(2)(b) (Board Review 01). PO Maldonado was not equipped with a BWC at the time of the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: PO Christopher Maldonado refused to provide his shield number to § 87(2)(b)

It is undisputed that § 87(2)(b) requested PO Maldonado's name and shield number after he handed her the summons. PO Maldonado's shield number is "00950." Officers whose shield numbers begin with one or more zeroes typically do not include those zeroes when providing their shield numbers. In fact, PO Maldonado's MOS photo simply notes that his shield number is "950" (Board Review 10).

When he filed the complaint, and in his later sworn statement, § 87(2)(b) alleged that PO Maldonado replied to § 87(2)(b)'s request by saying, "Maldonado, 9502820" (Board Review 03). In her phone statement, § 87(2)(b) recounted that PO Maldonado stated his name and an incorrect shield number, but she did not specify what shield number PO Maldonado provided (Board Review 02). § 87(2)(b) did not provide a sworn statement.

§ 87(2)(b) presented a photo of the summons issued by PO Maldonado (Board Review 04). He referred to the "Officer ID#" section of the summons and pointed out that PO Maldonado wrote "928684." § 87(2)(b) believed this was PO Maldonado's correct shield number, as opposed to the false number PO Maldonado stated aloud during the incident. It should be noted that an officer is required to write his or her tax ID number, not his or her shield number, in the "Officer ID#" section of a summons. PO Maldonado wrote his correct tax ID number on the summons he issued to § 87(2)(b).

The cellphone footage shows that PO Maldonado responded to § 87(2)(b)'s request by stating "Maldonado, 950, two A's, two O's" (Board Review 11).

PO Maldonado stated in his testimony that he accurately provided his name and shield number at § 87(2)(b)'s request. He viewed the cellphone footage and confirmed that he said, "Two A's, two O's," in reference to the spelling of his surname (Board Review 05).

§ 87(2)(g)

Allegation (B) Abuse of Authority: PO Christopher Maldonado threatened to arrest

§ 87(2)(b)

It is undisputed that PO Maldonado told § 87(2)(b) that he would be arrested if he stood in the middle of the street and blocked traffic.

The cellphone footage shows that § 87(2)(b) walked into the street when the officers approached § 87(2)(b)'s vehicle to hand her the summons. § 87(2)(b)'s vehicle was double-parked at the time. § 87(2)(b) walked past the front of the vehicle toward the middle of the street, such that he stood near the vehicle's side mirror on its driver's side. He told § 87(2)(b) to request PO Maldonado's name and shield number, and remained standing in the street while filming PO Maldonado. PO Maldonado provided his name and shield number, and began walking back to the police vehicle. § 87(2)(b) shouted after him, "Thank you for keeping the streets of New York safe! Thank you!" PO Maldonado turned around and said, "Have a good night. Sir, step on the sidewalk. You're in the middle of the street." § 87(2)(b) began walking back to the sidewalk and asked PO Maldonado if he wanted to arrest him for jaywalking. PO Maldonado replied, "Sir, if you stand in the middle of the street, you will be arrested for blocking traffic" (Board Review 11).

In his interview, PO Maldonado confirmed that he was referring to the disorderly conduct statute regarding blocking vehicular traffic when he told § 87(2)(b) that he could be arrested.

New York Penal Law §240.20 states that "a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: he obstructs vehicular or pedestrian traffic." (Board Review 06).

§ 87(2)(g)

Allegation (C) Discourtesy: PO Christopher Maldonado gestured discourteously toward

§ 87(2)(b)

In his initial complaint, § 87(2)(b) did not allege that PO Maldonado gestured discourteously toward him. At his in-person interview, § 87(2)(b) alleged that while PO Maldonado began to drive away, he raised his right arm towards § 87(2)(b) who was standing on the sidewalk, and showed him his right middle finger.

PO Maldonado denied that he displayed his middle finger to § 87(2)(b) while driving away from the scene.

The cellphone footage shows that PO Maldonado lifted his right hand up to the roof of the vehicle cabin as he began to drive away. His hand is not visible in the footage at that point, and it cannot be determined if he displayed his middle finger at that point.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 07).
- PO Christopher Maldonado has been a member of service for 17 years and has been a subject in five CCRB complaints, none of which was substantiated § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of April 26, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 08).

§ 87(2)(b) [§ 87(2)(b)] [§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date